

Agreement and the Town Agreement shall be in full force and effect.

(b) **APPROVAL OF TOWN AGREEMENT.**—The Secretary shall approve any subsequent amendments made to the Town Agreement after the date of enactment of this Act that are—

- (1) mutually agreed on by the parties to the Town Agreement; and
- (2) consistent with applicable law.

SEC. 8. GENERAL DISCHARGE AND RELEASE OF OBLIGATIONS OF STATE OF CONNECTICUT.

Except as expressly provided in this Act, the State Agreement, or the Town Agreement, this Act shall constitute a general discharge and release of all obligations of the State of Connecticut and the political subdivisions, agencies, departments, officers, or employees of the State of Connecticut arising from any treaty or agreement with, or on behalf of, the Mohegan Tribe or the United States as trustee for the Mohegan Tribe.

SEC. 9. EFFECT OF REVOCATION OF STATE AGREEMENT.

(a) **IN GENERAL.**—If, during the 15-year period beginning on the date on which the Secretary publishes a determination pursuant to section 4(b), the State Agreement is invalidated by a court of competent jurisdiction, or if the gaming compact described in section 4(a)(1) or any agreement between the State of Connecticut and the Mohegan Tribe to implement the compact is invalidated by a court of competent jurisdiction—

(1) the transfers, waivers, releases, relinquishments, and other commitments made by the Mohegan Tribe under section 1(a) of the State Agreement shall cease to be of any force or effect;

(2) section 4 of this Act shall not apply to the lands or interests in lands or natural resources of the Mohegan Tribe or any of its members, and the title to the lands or interests in lands or natural resources shall be determined as if such section were never enacted; and

(3) the approval by the United States of prior transfers and the extinguishment of claims and aboriginal title of the Mohegan Tribe otherwise made under section 4 shall be void.

(b) **RIGHT OF MOHEGAN TRIBE TO REINSTATE CLAIM.**—

(1) **IN GENERAL.**—If a State Agreement or compact or agreement described in subsection (a) is invalidated by a court of competent jurisdiction, the Mohegan Tribe or its members shall have the right to reinstate a claim to lands or interests in lands or natural resources to which the Tribe or members are entitled as a result of the invalidation, within a reasonable time, but not later than the later of—

(A) 180 days after the Mohegan Tribe receives written notice of such determination of an invalidation described in subsection (a); or

(B) if the determination of the invalidation is subject to an appeal, 180 days after the court of last resort enters a judgment.

(2) **DEFENSES.**—Notwithstanding any other provision of law, if a party to an action described in paragraph (1) reinstates the action during the period described in paragraph (1)(B)—

(A) no defense, such as laches, statute of limitations, law of the case, res judicata, or prior disposition may be asserted based on the withdrawal of the action and reinstatement of the action; and

(B) the substance of any discussions leading to the State Agreement may not be admissible in any subsequent litigation, except that, if any such action is reinstated, any defense that would have been available to the State of Connecticut at the time the action was withdrawn—

(i) may be asserted; and

(ii) is not waived by anything in the State Agreement or by subsequent events occurring between the withdrawal action and commencement of the reinstated action.

SEC. 10. JUDICIAL REVIEW.

(a) **JURISDICTION.**—Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on the date that is 180 days after such date, the United States District Court for the Southern District of Connecticut shall have exclusive jurisdiction over any action to contest the constitutionality of this Act or the validity of any agreement entered into under the authority of this Act or approved by this Act.

(b) **DEADLINE FOR FILING.**—Effective with the termination of the period specified in subsection (a), no court shall have jurisdiction over any action to contest the constitutionality of this Act or the validity of any agreement entered into under the authority of this Act or approved by this Act, unless such action was filed prior to the date of termination of the period specified in subsection (a).

The SPEAKER pro tempore, Mr. POSHARD, recognized Mr. GEJDENSON and Mr. THOMAS of Wyoming, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. POSHARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WALKER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POSHARD, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, October 5, 1994, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶119.73 **PARK SERVICE**

ENTREPRENEURIAL MANAGEMENT

Mr. VENTO moved to suspend the rules and pass the bill (H.R. 4533) to promote entrepreneurial management of National Park Service, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. POSHARD, recognized Mr. VENTO and Mr. THOMAS of Wyoming, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. POSHARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WALKER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. POSHARD, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, October 5, 1994, pursuant to the prior announcement of the Chair.

¶119.74 **RIO PUERCO WATERSHED**

Mr. VENTO moved to suspend the rules and pass the bill of the Senate (S. 1919) to improve water quality within the Rio Puerco watershed and to help restore the ecological health of the Rio Grande through the cooperative identification and implementation of best management practices which are consistent with the ecological, geological, cultural, sociological, and economic conditions in the region; as amended.

The SPEAKER pro tempore, Mr. POSHARD, recognized Mr. VENTO and Mr. THOMAS of Wyoming, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

Mr. WALKER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. POSHARD, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, October 5, 1994, pursuant to the prior announcement of the Chair.

¶119.75 **CHILD NUTRITION**

Mr. KILDEE moved to suspend the rules and pass the bill of the Senate (S. 1614) to amend the Child Nutrition Act of 1966 and the National Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Act through fiscal year 1998, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. POSHARD, recognized Mr. KILDEE and Mr. GOODLING, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. POSHARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WALKER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POSHARD, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, October 5, 1994, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶119.76 **U.S.-MEXICO BORDER HEALTH COMMISSION**

Mr. DINGELL moved to suspend the rules and pass the bill of the Senate (S. 1225) to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission.

The SPEAKER pro tempore, Mr. POSHARD, recognized Mr. DINGELL

and Mr. FIELDS of Texas, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. POSHARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FIELDS of Texas demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. POSHARD, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, October 5, 1994, pursuant to the prior announcement of the Chair.

¶119.77 NAVAL VESSELS TRANSFER

Mr. ANDREWS of New Jersey moved to suspend the rules and pass the bill (H.R. 5155) to authorize the transfer of naval vessels to certain foreign countries.

The SPEAKER pro tempore, Mr. POSHARD, recognized Mr. ANDREWS of New Jersey and Mr. GILMAN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. POSHARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WALKER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POSHARD, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, October 5, 1994, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶119.78 CONFLICT RESOLUTION IN TAJIKISTAN

Mr. ANDREWS of New Jersey moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 302):

Whereas the conflict in Tajikistan between the government and opposition forces has caused the death of tens of thousands of persons and has displaced 500,000 persons, one-tenth of the country's 5,400,000 people;

Whereas the conflict has been characterized on all sides by gross human rights violations, abuses, and brutalities, including the murders of children, pregnant women, and babies, widespread use of torture, and summary executions;

Whereas the current violence has the potential to cause conflict along ethnic lines between Tajiks and Uzbeks throughout the region;

Whereas the United Nations Security Council has called upon all parties to reach a political solution and seek national reconciliation;

Whereas the Conference on Security and Cooperation in Europe has established a mission in Tajikistan to seek ways to revolve the conflict;

Whereas through the efforts of the Special Envoy of the Secretary General of the United Nations to Tajikistan, negotiations are now being conducted;

Whereas elections have been scheduled by the Government of Tajikistan for November 6, 1994;

Whereas the success of a truly representative government will assist with the development of a peaceful and stable Central Asia and beyond;

Whereas the United States has successfully responded to urgent needs for food and other humanitarian assistance in the past;

Whereas food access rather than availability will be a critical problem facing Tajikistan for the foreseeable future;

Whereas there remain significant shortages of necessary building materials, wheat, cooking oil, soap, and shoes;

Whereas lack of fuel nationwide will delay food shipments to Gorno Badakshan, creating severe food shortages in that region, and has the potential to cripple the economy;

Whereas economic assistance can sometimes be given through nongovernmental organizations, in the form of microdevelopment projects, thus supporting the economy from the bottom up;

Whereas continued support for the present of the United Nations and other international organizations and for microdevelopment projects could encourage the peaceful return and reintegration of refugees and displaced Tajiks; and

Whereas any unconditional economic assistance for the central government in Dushanbe, by any party, amounts to a failure to take advantage of political leverage to support national reconciliation and human rights: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

(a) That it is the sense of the Congress that—

(1) while the Congress welcomes steps taken by the Government of Tajikistan toward the holding of open elections, it expresses its concerns that nomination, registration, and voting procedures are inadequate to ensure that such elections will be free and fair; and

(2) any peacekeeping activities in Tajikistan should be conducted in full conformity with United Nations and international peacekeeping norms and practices.

(b) That it is the further sense of the Congress that the President—

(1) should support existing efforts at national reconciliation in Tajikistan, including—

(A) those of the Conference on Security and Cooperation in Europe, and

(B) the current diplomatic initiatives, through the office of the Special Envoy of the Secretary General of the United Nations to Tajikistan;

(2) should seek, through his good offices, to obtain full respect by the Government of Tajikistan for basic freedoms and internationally recognized human rights, including full implementation of Conference on Security and Cooperation in Europe commitments;

(3) should maintain support for humanitarian assistance to the people of Tajikistan, including assistance for refugees, internally displaced persons, and returnees, with an eye for encouraging self-sufficiency in as many sectors as possible;

(4) should urge the international community to make similar commitments;

(5) should seek to ensure that a substantial portion of assistance provided to Tajikistan is channeled through nongovernmental organizations; and

(6) should seek to ensure that economic assistance is provided directly to the Government of Tajikistan only if it is making significant progress in—

(A) protecting and facilitating the activities of human rights groups, including their monitoring of human rights abuses by or upon any party and the training of local human rights organizations;

(B) promoting democratic development, including free and fair elections;

(C) participating in and otherwise facilitating conflict resolution efforts;

(D) terminating interference in the non-violent activities of the political opposition;

(E) allowing the International Committee of the Red Cross to visit prisoners in accordance with its mandate, which includes private interviews with prisoners;

(F) participating in and otherwise facilitating the compilation of a list of all those who have been extrajudicially executed or have disappeared; and

(G) facilitating the protection and reintegration of returnees.

The SPEAKER pro tempore, Mr. POSHARD, recognized Mr. ANDREWS of New Jersey and Mr. GILMAN, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. POSHARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WALKER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POSHARD, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, October 5, 1994, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

¶119.79 NORTHERN IRELAND'S PEACE PROCESS

Mr. ANDREWS of New Jersey moved to suspend the rules and agree to the following resolution (H. Res. 561):

Whereas Northern Ireland has for many years been riven by violence;

Whereas this cycle of violence and death has embittered and further separated the people of both great traditions on the island of Ireland, so that reconciliation between them has been made more difficult;

Whereas the Irish and British Governments have made joint efforts pursuant to the Anglo Irish Agreement of 1985 and 3-stranded talks between and among the constitutional parties of the north and the 2 governments to find political solutions to this situation that would win the support of the majority of the people of Ireland, North and South;

Whereas the 2 governments have made further efforts in the Downing Street Declaration of 1993 to establish principles under which such a political settlement could be negotiated among all the parties in Northern Ireland that renounce the use of violence;

Whereas, after a period of internal debate and consideration, the Irish Republican Army announced on August 31, 1994, a complete cessation of military operations and declared its willingness to participate in political talks with other parties in Northern Ireland and the 2 governments;

Whereas the Irish Republican Army has kept its pledge to end military operations since that time;

Whereas other loyalist and nationalist paramilitary organizations have not declared their intention to end the use of mili-